

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 12-1795

United States of America,

Appellee,

v.

Jose Luis Morones-Garcia,

Appellant.

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Appeal from the United States
District Court for the Northern
District of Iowa.

[UNPUBLISHED]

Submitted: August 1, 2012

Filed: August 3, 2012

Before LOKEN, BOWMAN, and COLLOTON, Circuit Judges.

PER CURIAM.

Jose Luis Morones-Garcia appeals after he pleaded guilty to unlawfully possessing and using identity documents, in violation of 18 U.S.C. § 1546(a) (Count 1); aggravated identity theft, in violation of 18 U.S.C. § 1028A(a)(1) (Count 2); and illegal reentry, in violation of 8 U.S.C. § 1326(a) (Count 3). The district court¹ imposed concurrent terms of 4 months in prison on Counts 1 and 3 and a consecutive term of 24 months in prison on Count 2, to be followed by concurrent terms of supervised release. On appeal, counsel has moved to withdraw and has filed a brief

¹The Honorable Linda R. Reade, Chief Judge of the United States District Court for the Northern District of Iowa.

under Anders v. California, 386 U.S. 738 (1967), arguing that the court improperly presumed the Guidelines range for Counts 1 and 3 was reasonable and failed to sufficiently consider the 18 U.S.C. § 3553(a) factors.

After careful review, we conclude that the sentences imposed by the district court on Counts 1 and 3 are not unreasonable. See United States v. Feemster, 572 F.3d 455, 461 (8th Cir. 2009) (en banc). Nothing in the record indicates that the court gave an improper presumption of reasonableness to the Guidelines range; the court was not required to mechanically recite the section 3553(a) factors at sentencing, especially when it sentenced Morones-Garcia within the advisory Guidelines range, see United States v. Todd, 521 F.3d 891, 897-98 (8th Cir. 2008); and the court properly imposed the mandatory minimum sentence on Count 2, see 18 U.S.C. § 1028A(a)(1); United States v. Chacon, 330 F.3d 1065, 1066 (8th Cir. 2003).

Finally, after reviewing the record independently under Penson v. Ohio, 488 U.S. 75, 80 (1988), we find no nonfrivolous issues. Accordingly, we grant counsel's motion to withdraw, and we affirm the judgment of the district court.
